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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,965	07/09/2003	Jorge Campello de Souza	HSJ920030068US1	1269

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09/09/2005

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EXAMINER

NGUYEN, HIEP T

ART UNIT

PAPER NUMBER

2187

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/615,965	<b>Applicant(s)</b> DE SOUZA, JORGE CAMPELLO	
	<b>Examiner</b> Hiep T. Nguyen	<b>Art Unit</b> 2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This Office action is a response to the communication filed July 9, 2003. Claims 1-33 are presented for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-9, 11-20, 22-31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sako et al., US 2003/0012099 [hereafter, Sako] in view of Rogoff et al., US 2002/0037081 [hereafter, Rogoff].
  - a. As per claims 1-3:
    - i. Sako teaches a device for storing multimedia data, comprising: a data storage medium (1), the medium having at least one restricted area (3) that restricts playback and/or copying of accessed data in which the computer device is rented [see page 3, par. 0037]. Sako further teaches that in case the optical disk is a rental-use , copying of read data from the optical disk can be limited to copying of analog signal that are generated by converting the read data. Accordingly, the claimed "controller ... including digital-to-analog circuitry" is taught.
    - ii. However, Sako does not disclose that:
      1. the restricted area (3) is an analog-only read portion, and
      2. the controller permitting only the digital-to-analog (D/A) circuit to access the analog-only read portion.
    - iii. Rogoff teaches that in order to prevent easy access to the digital video signals, most DVD players on the market today provide video output in analog format

only. One having ordinary skill in the art, who has both of the teachings [i.e., Rogoff and Sako] in front of him or her, would leads he or she to further incorporate the teaching of Rogoff into that of Sako. This is because both of the teaching are directed to data protection from being illegally duplicated and/or accessed. Furthermore, one having ordinary skill in the art would readily recognize that by incorporate the two teachings, certain data section in the Sako device would further protected from illegally duplicated with full video or audio quality regardless whether the device is a rental use or not.

**iv.** Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the Sako storage area (3) as a analog-only read section and configure the Sako controller in a manner that only the D/A is permitted to access the newly configured analog-only read memory section.

**v.** The ability to protected certain data section from duplicated with full quality provides sufficient suggestion and motivation to one having ordinary skill in the art to do such further configurations in the Sako system.

- b. As per claim 4: obviously, when the Sako system is configured in the manner mentioned above, there would be no digital output path exist on the device from the newly configure analog-only read memory section.
- c. As per claims 5-7: hard disk drive having a least one disk sealed from a housing has also been known in the art. Furthermore, on having ordinary skill in the art would readily recognize that the teaching of Sako and/or Rogoff would work equally well in any type of storage devices. Accordingly, it would have been obvious to one having ordinary skill in the art to implement the data protection scheme, as mentioned in the rejection of claim 1, on a hard disk drive.


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- d. As per claim 8 : the further claimed limitation appears to be taught by Sako since Sako does not disclose the data in the memory section (2) need to be protected from digitally accesses.
  - e. As per claim 9: the further claimed limitation is rejected for the same reason as set forth fore claim 4 due to the similar in scope.
  - f. As per claims 11-20, 22-31, and 33: each of the claimed limitations has already been discussed and are taught by the combined teaching of Sako and Rogoff, as mentioned in the rejection of claims 1-9. Accordingly, claims 11-20, 22-31, and 33 are rejected for the same reason as that in claims 1-9.
4. Claims 10, 21, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sako in view of Rogoff , as applied to claims 1, 11, and 22, correspondingly, and further in view of a well known feature of which Official Notice is hereby taken.
- a. Sako in view of Rogoff disclose a system as mentioned in the rejection of claim 1.
  - b. However, neither Sako nor Rogoff teaches that the data in the analog-only read portion or a restricted memory portion is limited to a certain time interval, and after the expiration of such time interval the digitized data in the analog-only read portion or restricted memory portion is rendered inaccessible.
  - c. Limiting the access to certain information in a storage medium using a time interval has also been known and commonly used in the pertinent art; especially in rental DVDs. By doing so the renter would be limited to a certain number of times or time frame for viewing the rented data.
  - d. Accordingly, it would have been obvious to one having ordinary skill in the art to further incorporate the commonly used feature in to the Sako in view of Rogoff system by configure the Sako in view of Rogoff device to limit the analog-only read portion or the restricted memory section to a certain time interval, and after the expiration of such time interval the digitized data in the analog-only read portion or restricted memory portion is rendered inaccessible.

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**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Yoshi, 4,870,512, teaches a D/A converter in a data recording/reproducing device.
  - b. Onodera et al., U.S. 2001/0026531, teaches a data recording/reproducing device having a D/A converter.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hiep T. Nguyen whose telephone number is (571) 272-4197. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Hiep T Nguyen  
Primary Examiner  
Art Unit 2187

HTN